

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JENNIFER RYAN,

Plaintiff

v.

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Defendant.

No. 2:18-cv-05973-BHS

STIPULATED MOTION FOR LEAVE TO
FILE ADMINISTRATIVE RECORD UNDER
SEAL AND ORDER

NOTED FOR: 03/22/2019

I. Relief Requested

The parties respectfully move the Court, pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(g), to order that the “Administrative Record” in this matter be filed under seal.

II. Relevant Facts and Legal Authority

This action arises under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 *et seq.* Plaintiff seeks a declaration of her right to disability benefits. The

1 “Administrative Record” is primarily medical records and other documents addressing Plaintiff’s
2 medical condition.

3 Although Local Civil Rule 5(g) establishes a “strong presumption in favor of public
4 access to the Court’s files” and although there is a “strong presumption of public access to
5 documents attached to dispositive motions,” this Court has held the “need to protect medical
6 privacy qualifies in general as a ‘compelling reason’” to allow records to be filed under seal.
7 *Karpenski v. Am. Gen. Life Companies, LLC*, No. 2:12-CV-01569-RSM, 2013 WL 5588312 at
8 *1 (W.D. Wash. Oct. 9, 2013), (quoting Local Civil Rule 5(g) and *Kamakana v. City and County*
9 *of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)). See also *Macon v. United Parcel Serv., Inc.*,
10 2013 WL 951013, at *5 (W.D. Wash. Mar. 12, 2013) (granting unopposed motion to seal
11 medical records given the “private nature of the documents at issue”).
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14 Local Civil Rule 5.2(c) states that “in an action for benefits under the Social Security
15 Act” the “administrative record must be filed under seal” because those “actions are entitled to
16 special treatment due to the prevalence of sensitive information and the volume of filings.” *Id.*
17 That reasoning applies here. The claim file is primarily medical records and other sensitive
18 information regarding Plaintiff.

19 Redaction is not a reasonable means to protect Plaintiff’s medical privacy, because the
20 documents would have to be so heavily redacted.
21

22 **III. Conclusion**

23 The parties stipulate that there are compelling reasons to file the administrative record
24 under seal, and respectfully move the Court to so order. Should the Court grant the Motion the
25 parties will not redact personal identifiers from the Record in accordance with Local Civil Rule
26 5.2(a) unless the Court orders otherwise.
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1 IT IS SO STIPULATED THIS 22nd day of March 2019.

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1 **ORDER**

2 IT IS SO ORDERED. The Court GRANTS the parties' stipulated motion and ORDERS
3 that the administrative record in this action be filed and maintained under seal. Because the
4 document will be filed under seal, it need not be redacted in accordance with Local Civil Rule
5 5.2(a).
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7 DATED this 25th day of March, 2019.
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11 BENJAMIN H. SETTLE
12 United States District Judge
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